## KOREA # EXCHANGE BANK

## NEW YORK BRANCH

460 Park Ave. 14th, New York, N.Y. 10022 U.S.A.

TEL : 212-838-4949; FAX : 212-752-8551,383

SWIFT : KOÉXUS33 TELEX : 668184

Advising Dept/Branch: Korea Exchange Bank New York

Date of Advice : 03/09/04

Applicant DEFENSE PROCUREMENT AGENCY MINISTRY OF NATIONAL DEFENSE	Advice of DOCUMENTAL	RY CREDIT			
REPUBLIC OF KOREA	Advice No. (Pic 5623ADV0	case quote this No. in co 30911239	mmunicatio	n with us	)
Beneficiary US MATERIAL SUPPLY INC.  141 SHREVE AVE.BARRINGTON NJ 08003  U.S.A	Credit No.	M0601309G	S90058	,	1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1
	Amount	USD 338,162	-40	. , '	7 (3.7 <u>(3.3.3</u>
	Issuing Bank KEB HO Bu	siness Div.	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	

To Whom It May Concern,

AT THE REQUEST OF THE ISSUING BANK, WE ARE PLEASED TO ENCLOSE:

(X) THE AUTHENTICATED LETTER OF CREDIT.

() THE AMENDMENT NO.1

- -THIS LETTER IS SOLELY AN ADVICE OF A LETTER OF CREDIT ISSUED BY THE ABOVE MENTIONED CORRESPONDS AND CONVEYS NO ENGAGEMENT BY US.
- -ALL BANKING COMMISSION & CHARGES OUTSIDE KOREA ARE FOR YOUR ACCOUNT.
- -IF YOU ARE UNABLE TO COMPLY WITH THOSE TERMS IN THE L/C, PLEASE CONTACT THE OPENER(S) DIRECTLY AND ARRANGE FOR ANY AMENDMENT.
- -IN THE EVENT OF PRESENTING YOUR DOCUMENTS TO US, PLEASE ENCLOSE AN EXTRA COPY OF THE COMMERCIAL INVOICE AND ONE NON-NEGOTIABLE COPY OF BILL OF LADING FOR OUR FILES. PLEASE ALSO SUBMIT ORIGONAL LETTER OF CREDIT FOR NEGOTIATION/PAYMENT.
- -IF YOU DECIDE TO COLLECT THE PROCEEDS THROUGH OUR BANK, WE WILL DEDUCT THE PROCEEDS AT THE TIME OF PAYMENT. OUR CURRENT COMMISSIONS AND CHARGES ARE AS FOLLOWS:

1) Payment Commission:

One-tenth of one percent (minimum: US\$80.00)

2) Discrepancy fee:

US\$60.00

3) Wire transfer fee:

US\$20.00

4) Check issuance fee:

US\$30.00

- 5) Other applicable charges / commission : Various
- -THIS ENCLOSED LETTER OF CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDIT (1993 REV) ICC 500.
- -UPON THE RECEIPT OF THIS ADVICE LETTER, PLEASE SEND US A CHECK OR REMIT OUR

(X) L/C ADVISING COMMISSION:

US\$80.00

( ) AMENDMENT ADVISING COMMISSION:

US\$70.00

PAYABLE TO KOREA EXCHANGE BANK NEW YORK BRANCH WHITIN 5 BISSINESS DAYS.

\*PLEASE FEEL FREE TO CALL (212)638-4949 EXT.225 OR 230 FOR PAYMENT AND EXT.218 FOR ADVISING, SHOULD YOU HAVE ANY INQURIES.

VERY TRULY YOURS,

ORIGINAL

June 2

## KOREA # EXCHANGE BANK

**NEW YORK BRANCH** 

460 Fark Ave. 14th, New York, N.Y.10022 U.S.A.

FAX : 212-752-8551,3856

SWIFT: KOEXUS33 TELEX: 668184

Advising Dept/Branch: Korea Exchange Bank New York

Date of Advice: 03-10-01 Applicant Advice of DEFENSE PROCUREMENT AGENCY AMEND TO DOCUMENTARY CREDIT MINISTRY OF NATIONAL DEFENSE REPUBLIC OF KOREA Advice No. (Please quote this No. in communication with us.) 5623ADV030911239 \* Beneficiary Credit No. M0601309GS90058 US MATERIAL SUPPLY INC Amount USD 338,162.40 · Issuing Bank KEB HO Business Div.

To Whom It May Concern,

- AT THE REQUEST OF THE ISSUING BANK, WE ARE PLEASED TO ENCLOSE:
  - ( ) THE AUTHENTICATED LETTER OF CREDIT.
  - (X) THE AMENDMENT NO.1
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VERY TRULY YOURS

ORIGINAL

Case 1:05-cv-02605-JBS-JS Document 5-4 Filed 10/12/05 Page 3 of 6 PageID: 47 JUL-12-2005 15:03 KEB NY FINANCIAL CORP

PRINT CLASS: RECEIVE

IRN: 247000447 HASH: 1111;

)SN : 258781

IN/OUT SERVICE : SWF/OBS

ENDER'S ADDRESS : KOEXKRSE

KOREA EXCHANGE BANK

1:F01K0EXUS33AXXX7123258781}

2:07001432030904K0EXKRSEAXXX71426566070309040132N}

3:{108:0904700057400}}

MOREA-EXCHANGE BAN NEW YORK BRANCH

17700 ISSUE OF DOCUMENTARY CREDIT

SEQUENCE OF TOTAL

SEQUENCE

10A FORM OF DC 20 DC NO

31C DATE OF ISSUE

31D EXPIRY DATE AND PLACE

DATE OF EXPIRY PLACE OF EXPIRY

50 APPLICANT

59 BENEFICIARY FULL N/A

32B DC AMT CCY/AMT

41D AVAILABLE WITH/BY

AVAILABLE WITH

BY

42C DRAFTS AT

**42D DRAWEE** 

FULL N/A

43P PARTIAL SHIPMENTS

43T TRANSHIPMENT

44A LOADING/DISPATCH AT/FROM NEW YORK SEAPORT, U.S.A

44B FOR TRANSPORTATION TO

BUSAN PORT, KOREA

44C LATEST DATE OF SHIPMENT

45A GOODS

+ITEM NO. COMMODITY DESCRIPTION O'TY 17L/I

S/P FOR FIRING EQUIPMENT

AND OTHERS (FCA) NEW YORK SEAPORT, U.S.A

+PRICE TERM:FCA 46A DOCUMENTS REQUIRED

+DRAFT(S)

1/1

IRREVOCABLE .

M0601309GS90058

03SEP03

03SEP05

IN U.S.A

DEFENSE PROCUREMENT AGENCY

MINISTRY OF NATIONAL DEFENSE

REPUBLIC OF KOREA

US MATERIAL SUPPLY INC.

141 SHREVE AVE.BARRINGTON NJ 08003.

U.S.A

USD338,162.40

ANY BANK

BY PAYMENT

SIGHT

KOREA EXCHANGE BANK BUSINESS D

IVISION

ALLOWED

NOT ALLOWED

03JUN05

UNIT PRICE

TOTAL TRUOMA

USD338,162.40

USD338,162.40

IN/OUT SERVICE : SWF/OBS

PRINT CLASS RE

)SN : 258781

+THREE ORIGINAL AND TWO DULY COPIES OF BILL OF LADING CONSIGNED TO ''THE DEFENSE TRANSPORTATION CMD, REPUBLIC OF KOREA'' AND MARKED ''FREIGHT COLLECT'' AND NOTIFY TO ''ACCOUNTEE'', WHICH ARE ISSUED BY CARRIER STIPULATED IN THIS LETTER OF CREDIT.

+ONE ORIGINAL AND FOUR DULY SIGNED COPIES OF A COMMERCIAL INVOICE ONE ORIGINAL AND FOUR DULY SIGNED COPIES OF THE DETAILED

PACKING LIST

17A ADDITIONAL CONDITIONS

+NUMBER OF THE CONTRACT

ALL DOCUMENTS PRESENTED UNDER THIS CREDIT MUST BEAR AND CONTAIN THE CONTRACT NO.KFX-DPA-31BD16307 AND CREDIT NO.

+PERFORMANCE BOND

- (A) THE PERFORMANCE BOND SHALL BE ISSUED IN FAVOR OF THE APPLICANT IN THE FORM OF STAND-BY LETTER OF CREDIT, CASH AND SURETY BOND WHICH INCLUDES THE WORDINGS OF ANNEX NO.3 STIPULATED IN THE CONTRACT NO.KFX-DPA-31BD16307, TO BE ADVISED THROUGH KOREA EXCHANGE BANK, SEOUL, KOREA WITHIN THIRTY(30) DAYS AFTER THE EFFECTIVE DATE OF THIS CONTRACT.
- (B) IN CASE OF THE STAND-BY L/C, THE PERFORMANCE BOND SHALL BE ISSUED SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (1993 REVISION THE INTERNATIONAL CHAMBER OF COMMERCE, PUBLICATION NO.500) AND THE PERFORMANCE BOND SHOULD BE ISSUED BY A BANK RATED AS OF HIGH FINANCIAL STRENGTH GRADE BY INTERNATIONAL CREDIT RATING AGENCIES, SUCH AS MOODY'S S AND P AND FITCH IBCA.
- (C) THE AMOUNT STATED IN THE PERFORMANCE BOND SHALL BE EXPRESSED IN THE SAME CURRENCY AS IN THIS CREDIT AND SHALL BE EQUAL TO TEN(10) PERCENT (USD33,816.24) OF THE TOTAL AMOUNT OF THIS CREDIT
- (D) THE PERFORMANCE BOND SHALL CONTINUE TO BE IN FULL EFFECT AND FORCE UNTIL THE EXPIRATION OF TWELVE(12) MONTHS AFTER THE LATEST DATE OF DELIVERY STIPULATED IN THIS CREDIT. THE PERFORMANCE BOND SHALL NOT BE AMENDED, MODIFIED OR CANCELLED WITHOUT PRIOR CONSENT BY THE APPLICANT
- +DEDUCTION OF LIQUIDATED DAMAGES FOR DELAYED SHIPMENT
  (A) WHEN THE BENEFICIARY FAILS TO EFFECT DELIVERY WITHIN THE
  PERIOD OF TIME STIPULATED IN THIS CREDIT, LIQUIDATED
  DAMAGES SHALL BE LEVIED AT THE RATE OF FIFTEEN(15) HUNDREDTH OF
  ONE PERCENT (0.15PCT) OF THE INVOICE AMOUNT OF THE DELAYED
  DELIVERY PER DAY.

THE AMOUNT OF THE LIQUIDATED DAMAGES SHALL BE DEDUCTED FROM THE MONEY PAYABLE BY THE APPLICANT

(B) THE TOTAL AMOUNT OF THE LIQUIDATED DAMAGES SHALL NOT EXCEED TEN PERCENT (10.00 PCT) OF THE CONTRACT AMOUNT

+SHIPPING NOTICES
THE BENEFICIARY SHALL NOTIFY TLX OR FAX TO THE APPLICANT OF THE READINESS FOR SHIPMENT OF THE COMMODITY, SUCH NOTIFICATION OF THE READINESS FOR SHIPMENT SHALL BE MADE AT LEAST THIRTY(30) DAYS: PRIOR TO THE ANTICIPATED SHIPPING DATE INCLUDING PERTINENT INFORMATION SUCH AS CONTRACT NO. BRIEF DESCRIPTION OF THE COMMODITY TO BE DELIVERED, INVOICE AMOUNT, AND L/C NO., ETC.

+PARTIAL SHIPMENTS

Case 1:05-cv-02605-JBS-JS Document 5-4 Filed 10/12/05 Page 5 of 6 PageID: 49 JUL-12-2005 15:04 KEB NY FINANCIAL CORP

RINT CLASS : RECEIVE

IRN: 247000447 HASH : 1111

IN/OUT SERVICE : SWF/OBS

DEPT

PARTIAL SHIPMENTS ALLOWED 3TIMES

+CARRIER NOMINATED BY THE APPLICANT

FOR COMMODITIES SHIPED FROM NEW YORK PORT, U.S.A.

NAME: WORLD EXPRESS INC. (NEW YORK OFFICE)/

Neu York. ADDR: 145-18 156TH ST. JAMAICA NY.11434/

ATTN: MR. DANNY CHOI

TEL: (1) 718-341-2366 / FAX (1) 718-341-2388

+PAYMENT

SN : 258781

PAYMENT SHALL BE MADE AFTER APPLICANT'S RECEIVING THE CERTIFICATE OF RECEIPT ISSUED BY END-USER, STIPULATED IN THE ANNEX NO.4 OF CONTRACT NO. KFX-DPA-31BD16307

+DELIVERY OF THE COMMODITY

UNIT PRICE P.R NO. ITEM BUDGET STOCK NO. QNTY DELIVERY SCHEDULE (USD) (EA) NO.

12

WITHIN 6MONTHS OPENING

· . . OF L/C

16

WITHIN 9MONTHS OPENING OF L/C

1A

WITHIN 21MONTHS OPENING OF L/C

+BANKING CHARGES

ALL BANKING CHARGES INCLUDING POSTAGES OR OTHER EXPENSES INCURRED OUTSIDE KOREA SHALL BE FOR ACCOUNT OF THE BENEFICIARY +ALL OTHER DETAILS ARE AS PER THE CONTRACT NO.: KFX-DPA-31BD16307

+BANK INSTRUCTIONS ADVISING CHARGES (USD100.00) OF STAND-BY LETTER OF CREDIT WHICH, IS ADVISED THROUGH KOREA EXCHANGE BANK, SEOUL, KOREA ARE FOR

BENEFICIARY'S ACCOUNT

+DOCUMENTS PRESENTED LATER THAN 21 DAYS AFTER THE DATE OF SHIPMENT ARE ACCEPTABLE, BUT WITHIN THE VALIDITY OF THE CREDIT +NEGOTIATION/PAYMENT UNDER RESERVE OR AGAINST AN INDEMNITY PROHIBITED. IN THAT CASE, NEGOTIATION SHOULD BE PROCESSED UNDER OUR APPROVAL, A DISCREPANCY FEE OF USD60.00 OR EQUIVALENT THEREOF IS PAYABLE BY THE BENEFICIARY FOR EACH DRAWING PRESENTED WHICH DOES NOT STRICTLY COMPLY WITH THE TERMS OF THIS LETTER OF CREDIT AND WHICH HAS TO BE REFERRED TO THE APPLICANT.

+UPON RECEIPT OF DOCUMENTS IN CONFORMITY WITH THE TERMS AND CONDITIONS OF THIS LETTER OF CREDIT, WE WILL REMIT THE PROCEEDS TO THE BANK DESIGNATED BY YOURSELVES.

REGISTERED AIRMAIL/COURIER SERVICE.

THE RECEIVER IS NOT REQUESTIED TO C ONFIRM THE CREDIT.

CONFIRMATION INSTRUCTIONS

INFO TO PRESENTING BK ALL DOCUMENTS MUST BE FORWARDED TO KOREA EXCHANGE BANK BUSINESS DIVISION/ 181, ULCHIRO 2-KA, CHUNG-KU, SEOUL 100-793, REPUBLIC OF KOREA IN ONE LOT BY

BK TO BK INFO

+UNLESS OTHERWISE EXPRESSLY STATED, THIS CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDIT, 1993 REVISION, ICC PUBLICATION NO. 500

Case 1:05-cv-02605-JBS-JS Document 5-4 Filed 10/12/05 Page 6 of 6 PageID: 50 JUL-12-2005 15:04 KEB NY FINANCIAL CORP

RINT CLASS: RECEIVE IRN: 247000447 HASH: 1111
SN: 258781 IN/OUT SERVICE: SWF/OBS

RAILER

.5 :

MAC:C9D029B0}

CHK:5D9BCC253020}}

\*\*\* WARNING \*\*\* SWIFT AUTHENTICATOR CORRECT

PRINT AT : 08:59 04SEP03

PRINT NUMBER : CBLRCVQ98106 END OF MESSAGE